

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

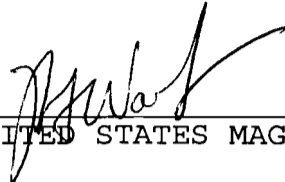
UNITED STATES OF AMERICA,	)	
	)	NO. 4:11-cr-00104-JEG-CFB
Plaintiff,	)	
	)	
vs.	)	
	)	
HERNANDO IVAN RUBIO,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY  
(NO PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11. The defendant entered a plea of guilty to Count 1 of the Indictment charging him with conspiracy to distribute 5 kilograms or more of a mixture or substance containing cocaine, and 100 kilograms or more of a mixture or substance containing marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 846, 841(b)(1)(A) and 841(b)(1)(B). After advising and questioning the defendant under oath concerning each of the subjects addressed in Rule 11(b)(1), I determined that the guilty plea was in its entirety voluntarily, knowingly and intelligently made and did not result from force, threats, or promises. I further determined that there is a factual basis for the guilty plea on each of the

essential elements of the offense in question. There is no plea agreement.

I recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. A presentence report has been ordered and a sentencing date set.

  
UNITED STATES MAGISTRATE JUDGE  
3/2/12  
DATE

NOTICE

Failure by a party to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service will result in waiver by that party of the right to make objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation was served this date by delivery of a copy thereof to counsel for the government and defendant in open court.